

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ALABAMA  
EASTERN DIVISION**

**DAVID MIMS, et al,**

**Plaintiffs,**

**vs.**

**WAL-MART STORES, INC.;**

**WAL-MART STORES EAST, LP;**

**et al,**

**Defendants.**

**CASE NO.: 1:12-CV-244-VEH**

**PLAINTIFF'S FIRST CONSOLIDATED DISCOVERY REQUESTS  
TO DEFENDANT WAL-MART STORES, INC.**

COME NOW the Plaintiffs, David Mims and Donna Mims, and pursuant to the Federal Rules of Civil Procedure, hereby propound these First Consolidated Discovery Requests to Defendant Wal-Mart, Inc. to be answered in the time period allowed by the Federal Rules of Civil Procedure.

**DEFINITIONS AND INSTRUCTIONS**

1. "WAL-MART", "YOU," "YOUR," and "YOURSELF" shall mean:
  - a. Any "Wal-Mart" retail store;
  - b. Any "Wal-Mart" entity;
  - c. Defendant Wal-Mart Stores, Inc., any predecessor or successor entities thereof, its agencies, departments, divisions, subsidiaries, branches, parent corporations, affiliated companies, managers,

9. "DOCUMENT(s)" means all originals of any nature, identical copies and all nonidentical copies, pertaining to any medium upon which intelligence or information is recorded in your possession, custody or control regardless of where located; including, without limiting the generality of the foregoing, electronically stored data, punch cards, printout sheets, movie films, tape recordings, videotapes, slides, electronic mail, electronic files, phonograph records, photographs, notes, letters, memoranda, ledgers, work sheets, books of account, brochures, circulars, proofs, sheets, books, magazines, notebooks, diaries, calendars, appointment books, registers, charts, tables, papers, agreements, contracts, purchase orders, acknowledgments, invoices, authorizations, budgets, analyses, projections, transcripts, minutes of meetings of any kind, correspondence, telegrams, drafts, data processing disks or tapes, or computer-produced interpretations thereof, other disks or tapes, instructions, announcements, schedules, and price lists. In all cases where originals and/or non-identical copies are not available, "DOCUMENTS" also means identical copies of original documents and copies of non-identical copies.

a. Production of Electronically Stored Data/Information. All electronically stored information responsive to any request for production contained herein should be produced in their "native

format” along with their associated “metadata” intact. “Native format” or “native file” means electronically stored information in the electronic format of the application in which the file/bit-stream is normally created, viewed, and/or modified. “Metadata” means: (1) information embedded in a native file that is not ordinarily viewable or printable from the application that generated, edited, or modified such native file, and (2) information generated automatically by the operation of a computer or other information technology system when a native file is created, modified, transmitted, deleted or otherwise manipulated by a user of such system. If you object to providing electronically stored information in this format, notify counsel for Plaintiffs immediately so that the parties can meet and confer *prior* to the production of any electronically stored information.

10. "PERTAINING TO" shall be interpreted to include relating to, referring to, reflecting, regarding, constituting, concerning or having as its subject matter, in any manner whatsoever, directly or indirectly, expressly or implied, the subject matter of the specific request.
11. "COMMUNICATION" includes, but is not limited to, all written and oral discussions, statements, conversations, memoranda, notations, letters,